

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION
JURY**

ELVIS CRUZ VADERRABANO

VS.

MARTIN RAMOS RODRIGUEZ
AND MARIANO MUNOZ

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§

CIVIL ACTION NO. _____

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

1. Defendants, Mariano Munoz and Martin Ramos Rodriguez, by their undersigned attorney, respectfully show this Court:

2. On September 21, 2018, Cause No. C-3555-18-J was commenced against Defendants in the 430th Judicial District Court of Hidalgo County, Texas, and is now pending therein.

3. On September 25, 2018, Elvis Cruz Vaderrabano, Plaintiff herein, requested service through the Hague Convention on Defendants. See Exhibit "A." On November 14, 2018, the undersigned counsel for Defendants accepted service on their behalf. See Exhibit "B."

4. This Court has jurisdiction of the above-entitled action pursuant to diversity jurisdiction, 28 U.S.C. § 1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(b).

5. Plaintiff's Original Petition asserts damages in excess of \$200,000.00. Accordingly, the amount in controversy is in excess of \$75,000.00, exclusive of interest and costs.

6. At the time of the commencement of this action in the 430th Judicial District Court, and since that time, Plaintiff has been a citizen of the State of Texas.

7. At the time of the commencement of this suit and since then, Defendant Mariano Munoz was and is now a Mexican citizen and Defendant Martin Ramos Rodriguez was and is now a Mexican citizen. Thus, no Defendant is a citizen of the State of Texas.

8. This notice is filed with this Court within 30 days after acceptance of service on Defendants of Plaintiff's Original Petition in the above-entitled action.

9. As required by 28 U.S.C. § 1446(d), a copy of the Notice of Removal is being served on Plaintiff, by and through his attorney of record, and is also being filed with the 430th District Court, Hidalgo County, Texas.

10. Concurrently with this Notice of Removal, the appropriate Notice of Removal is being filed in state court.

11. Copies of all process, pleadings, and orders filed in this cause, as well as an "Index of Matters Being Filed," are attached hereto in accordance with Local Rules.

WHEREFORE, Defendants pray that the above-entitled action be removed from the 430th Judicial District Court of Hidalgo County, Texas to this Court.

Respectfully submitted,

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//s// David R. Rangel

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel pursuant to the Federal Rules of Civil Procedure, on this the 15th day of November, 2018:

Ms. Kelly Forester

MATTHEWS & FORESTER

3027 Marina Bay Drive, Suite 320

League City, Texas 77573

//s// David R. Rangel

DAVID R. RANGEL